

REMARKS

Applicant respectfully requests allowance of the subject application. Claims 1-22 and 36-50 are pending, of which claims 1, 7, 20, 22, 36, and 41 have been amended.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the case in better form for appeal.

Drawings Objection

The Office objects to the drawings under 37 C.F.R. 1.83(a), indicating that the "adjacent antenna element" recited in claim 7 must be shown (*Office Action* p.2). Applicant respectfully submits that adjacent antenna elements of an antenna assembly are already shown in at least Figs. 1 and 5-6. For example, a single antenna element 500 is shown in Figs. 5-6, and "[m]ultiple antenna elements, such as antenna element 500, are positioned, or otherwise manufactured together, to form the exemplary antenna assembly 100 shown in Fig. 1 (an individual antenna element is identified as item 102 in Fig. 1)" (*Specification*, ¶0026). "Fig. 1 illustrates an exemplary antenna assembly 100 that is formed with an array of antenna elements 102" (*Specification*, ¶0014).

Applicant submits that Fig. 1 clearly illustrates an array of antenna elements (as shown in Figs. 5-6) which includes antenna elements that are adjacent. Accordingly, Applicant respectfully requests that the drawings objection be withdrawn.

1 **Allowable Subject Matter**

2 Claim 7 is indicated as being allowable if rewritten in independent form
3 (*Office Action* p.7). Applicant appreciates the indication of allowability and
4 submits that claim 41 would also be allowable for the same reason(s) as claim 7.

5 Independent claim 1 is amended to include the allowable subject matter of
6 claim 7. As such, claim 1 along with dependent claims 2-19 are in condition for
7 allowance. Similarly, independent claim 36 is amended to include the allowable
8 subject matter of claim 41. As such, claim 36 along with dependent claims 37-47
9 are in condition for allowance. Accordingly, claims 1-19 and 36-47 are allowable
10 and Applicant respectfully requests that the objection to claim 7 be withdrawn.

11 **35 U.S.C. §102 Claim Rejections**

12 Claims 1, 9, 11-19, 36-37, and 41-47 are rejected under 35 U.S.C. §102(b)
13 as being anticipated by U.S. Patent No. 5,416,492 to Takahashi et al. (hereinafter,
14 "Takahashi") (*Office Action* p.3).

15 As described above, claim 1 is amended to include the allowable subject
16 matter of claim 7. Claims 9 and 11-19 are allowable by virtue of their dependency
17 upon claim 1. Additionally, claim 36 is amended to include the allowable subject
18 matter of claim 41. Claims 37 and 41-47 are allowable by virtue of their
19 dependency upon claim 36.
20

21 Accordingly, claims 1, 9, 11-19, 36-37, and 41-47 are allowable over
22 Takahashi, and Applicant respectfully requests that the §102 rejection be
23 withdrawn.
24
25

35 U.S.C. §103 Claim Rejections

A. Claim 2 is rejected under 35 U.S.C. §103(a) for obviousness over Takahashi in view of U.S. Patent No. 6,094,106 to Kishino et al. (hereinafter, "Kishino") (*Office Action* p.4). Claim 2 is allowable by virtue of its dependency upon claim 1 which is allowable over the Takahashi-Kishino combination because claim 1 is amended to include allowable subject matter. Accordingly, the §103 rejection of claim 2 should be withdrawn.

B. Claims 3-6 and 38-40 are rejected under 35 U.S.C. §103(a) for obviousness over Takahashi in view of U.S. Patent No. 5,382,931 to Piloto et al. (hereinafter, "Piloto") (*Office Action* p.5). Claims 3-6 are allowable by virtue of their dependency upon claim 1 which is allowable over the Takahashi-Piloto combination because claim 1 is amended to include allowable subject matter. Similarly, claims 38-40 are allowable by virtue of their dependency upon claim 36 which is allowable over the Takahashi-Piloto combination because claim 36 is amended to include allowable subject matter. Accordingly, the §103 rejection of claims 3-6 and 38-40 should be withdrawn.

C. Claims 8 and 10 are rejected under 35 U.S.C. §103(a) for obviousness over Takahashi in view of U.S. Patent No. 5,757,329 to Hoover et al. (hereinafter, "Hoover") (*Office Action* p.5). Claims 8 and 10 are allowable by virtue of their dependency upon claim 1 which is allowable over the Takahashi-Hoover combination because claim 1 is amended to include allowable

1 subject matter. Accordingly, the §103 rejection of claims 8 and 10 should be
2 withdrawn.

3
4 **D.** Claims 20 and 22 are rejected under 35 U.S.C. §103(a) for
5 obviousness over U.S. Patent No. 5,596,338 to Smith et al. (hereinafter, "Smith")
6 in view of Takahashi (*Office Action* p.6).

7 Claim 20 is amended to include allowable subject matter (as described by
8 the Office with reference to claim 7). Accordingly, independent claim 20 along
9 with claim 22 is allowable over the Smith-Takahashi combination, and Applicant
10 respectfully requests that the §103 rejection be withdrawn.

11
12 **E.** Claim 21 is rejected under 35 U.S.C. §103(a) for obviousness over
13 Smith as modified by Takahashi in view Piloto (*Office Action* p.6). Claim 21 is
14 allowable by virtue of its dependency upon claim 20 which is allowable over the
15 Smith-Takahashi-Piloto combination because claim 20 is amended to include
16 allowable subject matter. Accordingly, the §103 rejection of claim 21 should be
17 withdrawn.

18
19 **New Claims**

20 New claims 48-50 are presented for examination. Based on the above
21 references, Applicant believes that claims 48-50 are also allowable. Support for
22 claims 48-50 can be found at least in Figs. 1 and 5-6.
23
24
25

Conclusion

Pending claims 1-22 and 36-50 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If any issues remain that preclude issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: June 23, 2005

By: 

David A. Morasch
Lee & Hayes, PLLC
Reg. No. 42,905
(509) 324-9256 x 210